

PATENT
Customer No. 22,852
Attorney Docket No. 05793.3032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Richard Jaros et al.) Group Art Unit: 2876
Application No.: 09/694,791) Examiner: Edwyn Labaze
Filed: October 24, 2000)
For: SYSTEMS, METHODS, AND APPARATUS) **Mail Stop Issue Fee**
FOR INSTANT ISSUE OF A CREDIT CARD)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22312-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Notice of Allowability received in this application, dated November 22, 2004, included an Examiner's statement of Reasons for Allowance. Although Applicants agree with the Examiner's ultimate conclusion that claims 1, 3, 5-8, 10, 11, 13 and 15-43 are allowable, Applicants respectfully submit that the Examiner's statement of Reasons for Allowance is imprecise and, therefore, Applicants disagree with a number of the characterizations and assertions contained in the statement.

For example, the Examiner indicates that:

[t]he prior art of record ... fails to teach in an instant credit card application and dispensing system means determining whether a security deposit is necessary, based on the application, receiving a security deposit at the remote location, if it is determined that the security deposit is necessary; and instantly dispensing the credit card using the

remote dispensing apparatus at the remote location, after the security deposit, if determined necessary, has been received.

Notice of Allowability, p. 2, II. 6-13.

However, none of the claims contain all of the recitations cited by the Examiner. For example, while independent claims 8 and 10 do set forth “[a] system for instantly issuing a credit card,” and “[a] system for remotely dispensing credit cards,” respectively, none of the claims set forth “an instant credit card application and dispensing system,” *per se*. As a further example, although claim 8 does recite “means for determining whether a security deposit is necessary, based on the application,” this language does not appear in any of the other independent claims. For instance, while independent claims 1 and 13 recite “determining whether a security deposit is necessary, based on the application,” these claims do not recite “means for” doing so. Further, independent claims 10 and 11 do not recite “determining”

Accordingly, Applicants disagree with the Examiner’s characterization of the claimed invention to the extent that the recitations in each of claims differ from the language used in the Examiner’s statement of Reasons for Allowance. Applicants submit that the scope of the invention is defined by the words of the claims, not by the paraphrasing in the Examiner’s statement, and Applicants have made no statements or arguments during prosecution to otherwise limit the meaning of the claims. Accordingly, Applicants submits that claims 1, 3, 5-8, 10, 11, 13 and 15-43 are allowable over the art of record solely because of the features each claim expressly recites.

Application No.: 09/694,791
Attorney Docket No. 05793.3032

Should the Examiner disagree with Applicants' comments on the statement of Reasons for Allowance, Applicants invite the Examiner to reopen the prosecution of this application in order to resolve such disagreement.

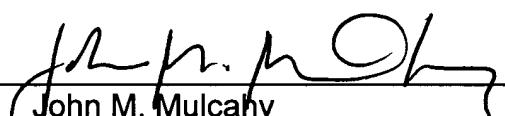
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 18, 2005

By:



John M. Mulcahy
Reg. No. 55,940